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Docket No. 17001-3

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Dwain E. Morse
Patent No.: 6,964,740
Issue Date: 11/15/2005
Application No.: 10/810,295
Filing Date: 03/25/2004
Title: SYSTEM AND METHOD OF GAS ENERGY
MANAGEMENT FOR PARTICLE FLOTATION AND
SEPARATION

**37 C.F.R. § 1.27(g)(2) NOTIFICATION AND
FEE DEFICIENCY STATEMENT UNDER 37 C.F.R. § 1.28(c)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Notice pursuant to 37 C.F.R. 1.27(g)(2) is hereby given that small entity status is not appropriate in this case. Small entity status was asserted in this case and small entity fees were paid in good faith and without deceptive intent. It has now been determined that such small entity status was established in error, but without deceptive intent.

CERTIFICATE OF FACSIMILE

I hereby certify that this document is being facsimile transmitted to the United States Patent and Trademark Office to facsimile number (571) 273-8300.

Dated: May 13, 2009


Donald K. Piper

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The following is an itemization of a fee deficiency caused by payment of small entity fees in error.

Type of Fee	Small Entity Fee Paid	Date Paid	Current Large Entity Fee	Deficiency Amount Owed
Basic Utility Filing Fee	\$385.00	03/30/2004	\$850.00	\$465.00
Claims in excess of 20	\$243.00	03/30/2004	\$1,404.00	\$1,161.00
Independent Claims in excess of three	\$86.00	03/30/2004	\$440.00	\$354.00
Issue Fee	\$700.00	07/15/2005	\$1,510.00	\$810.00
Total	\$1,414.00		\$4,204.00	\$2,790.00


The Commissioner is hereby authorized to charge \$2,790.00 as the fee deficiency, or the actual fee deficiency owed, and any additional fees which may be required to Deposit Account No. 19-2090.

It being established that small entity status was asserted in good faith, and small entity fees were paid in good faith, in error but without deceptive intent, compliance with the separate submission and itemization requirements of 37 C.F.R. § 1.28(c)(1) and (c)(2) being made herein, and payment of the fee deficiency being made herein,

IT IS HEREBY RESPECTFULLY REQUESTED that the error in claiming small entity status and paying small entity fees be excused.

Respectfully submitted,

Dated: May 13, 2009


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